

---

**MEDLEN & CARROLL**


---

TO: Examiner W.O. Sandals  
 FAX: (703) 308-4242

**FAX RECEIVED**

APR 15 2003

FROM: David A. Casimir  
 440 Science Drive, Suite 203  
 Madison, WI 53711

**GROUP 1600**

FAX: (608) 218-6910  
 Phone: (608) 218-6900 ext. 222

**OFFICIAL**Date: April 14, 2003

Time: \_\_\_\_\_ PM (PST)

Pages (including cover): 7Client Code: FORS-06612


---

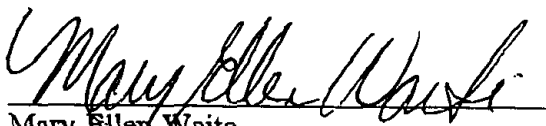
The documents accompanying this facsimile transmission contain information from the law firm of MEDLEN & CARROLL which are confidential or privileged. The information is intended to be for the use of the individual or entity named on this cover sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents. Thank you.

---

Re: U.S. Serial No. 09/940,925  
 Filed: 08/21/0102  
 Our File: FORS-06612

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the attached Amendment Transmittal (1 page) and Supplemental Amendment (5 pages) is being sent via facsimile on the date shown below to Examiner W.O. Sandals at 703/308-4242.

  
 Mary Ellen Waite

DATE: 4-14-03

# Facsimile Cover Sheet

PATENT  
Attorney Docket No. FORS-06612

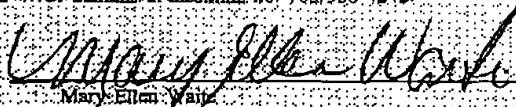
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James E. Dahlberg *et al.*  
Serial No.: 09/940,925 Group No: 1636  
Filed: 08/28/01 Examiner: W.O. Sandals  
Entitled: Detection Of Target Sequences By Cleavage Of Non-Target Nucleic Acids

AMENDMENT TRANSMITTAL

BOX NON FEE AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

<p>CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(B)</p> <p>I hereby certify that this correspondence (along with any related to as being attached or enclosed) is, on the date shown below, being transmitted by facsimile to Examiner W.O. Sandals at facsimile no. 703/308-4242.</p> <p>Dated: April 14, 2003</p> <p>By:  Mary Ellen Vail</p>	
--	--

Sir or Madam:


Transmitted herewith is an amendment for this application. The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDITIONAL FEE
Total Claims	24	—	24	0	×	18.00	\$0.00
Independent Claims	1	—	3	0	×	84.00	\$0.00

TOTAL DUE 0.00

- No additional fee is required.
- Please charge any additional fees, including any fees necessary for extensions of time, or credit overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: April 14, 2003

By:   
David A. Casimir  
Registration No. 42,395

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
608/218-6900

**PATENT**  
Attorney Docket No. **FORS-06612**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **James E. Dahlberg et al.**  
Serial No.: **09/940,925**  
Filed: **August 28, 2001**  
Entitled: **RAPID DETECTION AND IDENTIFICATION OF PATHOGENS**

Group No.: **1636**  
Examiner: **W. O. Sandals**

#16

**SUPPLEMENTAL AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(B)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being transmitted by facsimile to Examiner W.O. Sandals at facsimile no. 703/308-4242.

Dated: April 14, 2003

By: Mary Ellen Waite  
Mary Ellen Waite

Sir:

Applicants filed a response to Restriction Requirement on January 23, 2003 pointing out that the Restriction Requirement did not address pending claims 71-94. In a phone conference with the Examiner in April 2003, Applicants and the Examiner discussed the status of the claims. The Examiner pointed out that claims 1-44 were still pending in the application and had never been cancelled. Applicants respectfully disagree and assert that a preliminary amendment filed with the application on August 28, 2001 clearly set forth that only claims 71-94 were presented with the present application (this amendment was not acknowledged by the Examiner in the Restriction Requirement). This amendment makes clear that the present application is a divisional application derived from an application in which claims 45-123 were originally filed and in which claims 45-70 were pursued. The present application is a proper filing of a divisional application that pursues claims 71-94 from this earlier case. While Applicants do not believe that claims 1-44 are pending in the present application, Applicants authorize the cancellation of claims 1-44.

Claims 71-94 remain pending in the application and are not under restriction.